



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, JACKSONVILLE DISTRICT
4400 PGA BLVD, SUITE 500
PALM BEACH GARDENS, FLORIDA 33410

January 10, 2025

Regulatory Division
South Branch
Palm Beach Gardens Permits Section

PUBLIC NOTICE

Permit Application No. SAJ-2021-03999(SP-JLA)

TO WHOM IT MAY CONCERN: The Jacksonville District of the U.S. Army Corps of Engineers (Corps) has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. §403) as described below.

If you are interested in receiving additional project drawings associated with this public notice, please send an e-mail to the project manager by electronic mail at Jennifer.L.Alexander@usace.army.mil.

APPLICANT: Florida Department of Environmental Protection
Division of Parks and Recreation
c/o David Matson
3800 Commonwealth Boulevard
260M, MS 520
Tallahassee, Florida 32399

WATERWAY AND LOCATION: The project would affect waters of the United States associated with tidal wetlands adjacent to the Whisky Creek Basin River adjacent to 6500 N. Ocean Drive, in Section 36, Township 50 South, Range 43 East, Dania Beach, Broward County, Florida.

Directions to the site are as follows: From Interstate 95, take exit 23 for FL-818/Griffin Road, travel east on FL-818/Griffin Road to U.S. Highway 1, take U.S. Highway 1 south to A1A/Jimmy Buffet Memorial Highway, then take the exit for N. Ocean Drive. The site is the first road on the right.

APPROXIMATE CENTRAL COORDINATES: Latitude 26.057371°
Longitude -80.113211°

PROJECT PURPOSE:

Basic: Improve shoreline stabilization for private residences

Overall: Improve shoreline stabilization for private residences within the Von D Mizel-Eula Johnson State Park in Dania Beach, Broward County, Florida.

EXISTING CONDITIONS: The project area is located within a State of Florida park (Von D. Mizell-Eula Johnson) which is situated on a peninsula that envelops Whiskey Creek, a tidally influenced navigable water, and extends to the coastal beach of the Atlantic Ocean to east and the Intracoastal Waterway to the west. The park maintains a natural coastal ecosystem that includes mangrove fringes throughout Whiskey creek in the center and coastal dunes to the east. Access from the parking areas to the beach is through several pedestrian access walkways through the mangroves and crosses Whiskey Creek. Von D. Mizell-Eula Johnson Park hosts a variety of outdoor recreation amenities including several boat ramps, non-motorized vessel launches, hiking trails, paddling trails, and pavilions.

The project site is adjacent to the residential dwellings for the on-site park rangers. The existing concrete seawall has failed and has resulted in bank degradation and the recruitment of red mangroves (*Rhizophora mangle*) landward of the seawall. The project site is across from a large public marina. No prior federal permitting could be located for the existing seawall, however, a separate nationwide permit for erosion control adjacent to the roadway through the park and a regional general permit repair and replacement of two over-water pedestrian access walkways are in process for the park itself and not associated with the proposed seawall replacement.

PROPOSED WORK: The applicant proposes to improve shoreline stabilization for private residences by installing a new steel sheet pile seawall no more than 30-inches waterward of an existing deteriorated seawall, backfill to restore drainage, remove vegetation landward of the existing seawall to maintain wall integrity, and install two sections riprap revetments. Specifically, the applicant proposes to:

1. Install a new 253-foot linear steel sheet pile seawall with new concrete batter piles no more than 30-inches from the wetface of the existing seawall;
2. Install two (2) 11-linear foot steel sheet pile wingwalls within the uplands;
3. Install two (2) sections of riprap revetment no more than 6-feet waterward of the new seawall (100-feet by 6-feet and 32-feet by 6-feet) for a total of 75 cubic yards;
4. Backfill 0.45 acres behind the new seawall.

AVOIDANCE AND MINIMIZATION INFORMATION: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

The proposed seawall will be constructed as close as practicable to the existing seawall while maintaining an appropriate alignment. The intent of the wall location is to maintain the centerline of the new wall within 18-inches of the existing wall. The final designs include a bend in the wall alignment to minimize environmental impacts, however unavoidable direct impacts from the installation of the seawall are proposed to be approximately 0.04 acre of red, black, and white mangroves at or below the MHWL which will be removed to replace the wall, and an additional 0.17 acres of mixed mangroves will be removed above the MHWL to backfill. Additionally, 0.0032 acres of mixed algae and seagrass will be impacted. Specifically, the submerged aquatic

vegetation impacts consist of 133 square feet of mixed algae and paddle grass (*Halophila decipiens*), and 9 square feet of macroalgae. The applicant will comply with the Standard Manatee Conditions for In-Water Work – 2011 and manatee conditions for installation of metal pilings via impact hammer; comply with the U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake"; and National Marine Fisheries (NMFS) protected species construction guidelines, including the use of turbidity curtains; and use of noise abatement measures including block cushioning and bubble curtains.

COMPENSATORY MITIGATION: The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

The applicant proposes to purchase 0.22 estuarine credits from the Florida Power and Light (FPL) Everglades Mitigation Bank to offset unavoidable impacts to mangrove wetlands and seagrasses.

CULTURAL RESOURCES: The Corps is aware of recorded historic resources within or adjacent to the permit area and is evaluating the undertaking for effects to historic properties as required under Section 106 of the National Historic Preservation Act. This public notice serves to inform the public of the proposed undertaking and invites comments including those from local, State, and Federal government Agencies with respect to historic resources. Our final determination relative to historic resource impacts may be subject to additional coordination with the State Historic Preservation Officer, those federally recognized tribes with concerns in Florida and the Permit Area, and other interested parties.

ENDANGERED SPECIES: The Corps has determined the proposed project may affect, but is not likely to adversely affect the Eastern Indigo snake (*Drymarchon corais couperi*); West Indian Manatee (*Trichechus manatus*); Swimming Sea Turtles: Leatherback (*Dermochelys coriacea*), Loggerhead (*Caretta caretta*), Green (*Chelonia mydas*), Hawksbill (*Eretmochelys imbricata*), and Kemp's Ridley (*Lepidochelys kempii*); Smalltooth sawfish (*Pristis pectinata*); and the Giant Manta Ray (*Mobula birostris*).

Consultation with either the National Marine Fisheries Service and/or the United States Fish and Wildlife Service was initiated and completed as described below:

West Indian Manatee and Manatee Designated Critical Habitat (DCH): By letters dated 25 April 2013 and 13 May 2019, the U.S. Fish and Wildlife Service (FWS) stated that for proposed in-water activities analyzed with the April 2013 version of the Manatee Key and May 2019 Addendum in which the Corps reaches a MANLAA determination with respect to the manatee and/or its designated critical habitat, the FWS concurs with the Corps determination is accordance with 50 CFR 402.14(b)1; and no further consultation with the FWS is required.

Swimming sea turtles: green sea turtle (*Chelonia mydas*), Kemp's Ridley sea turtle (*Lepidochelys kempii*), and Loggerhead sea turtle (*Caretta caretta*); and smalltooth

sawfish (*Pristis pectinata*): The Corps initiated informal consultation for a not likely to adversely affect determination for the aforementioned species by letter dated 17 November 2023. NMFS stated in a letter dated July 9, 2024, that the project was not likely to adversely affect swimming sea turtles and the smalltooth sawfish based on the submitted minimization measures provided by the applicant during construction.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The resource survey submitted showed 0.0032 acres of submerged seagrasses would be directly impacted by the proposed activities. The applicant agreed to purchase 0.11 credits to mitigate direct impacts from the placement of the wall. Therefore, the Corps has determined that the proposed action would not have a substantial adverse impact on EFH or federally managed fisheries in the South Atlantic Region. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

NAVIGATION: The proposed structures are not located in the vicinity of a federal navigation channel.

SECTION 408: The applicant will not require permission under Section 14 of the Rivers and Harbors Act (33 USC 408) because the activity, in whole or in part, would not alter, occupy, or use a Corps Civil Works project.

NOTE: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional line has not been verified by Corps personnel.

COMMENTS regarding the potential authorization of the work proposed should be submitted in writing to the attention of the District Engineer through the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410 within 21 days from the date of this notice.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

QUESTIONS concerning this application should be directed to the project manager, Jeffrey Meyer, in writing at the Palm Beach Gardens Permits Section, 4400 PGA Boulevard, Suite 500, Palm Beach Gardens, Florida 33410; by electronic mail at Jennifer.L.Alexander@usace.army.mil; or, by telephone at (561) 785-3961.

IMPACT ON NATURAL RESOURCES: Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries

Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including cumulative impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

Evaluation of the impact of the activity on the public interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act or the criteria established under authority of Section 102(a) of the Marine Protection Research and Sanctuaries Act of 1972.

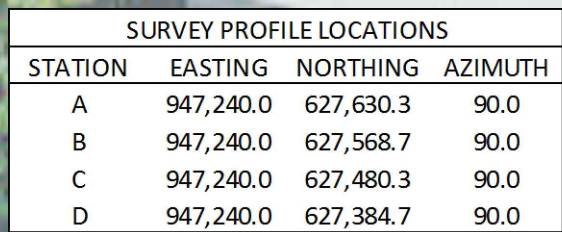
The US Army Corps of Engineers (Corps) is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this determination, comments are used to assess impacts to endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

WATER QUALITY CERTIFICATION: Water Quality Certification is required from the South Florida Water Management District (SFWMD). The project was reviewed under SFWMD application 22069-34730 and was granted on August 18, 2023.







COASTAL ZONE MANAGEMENT CONSISTENCY: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan.

REQUEST FOR PUBLIC HEARING: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.



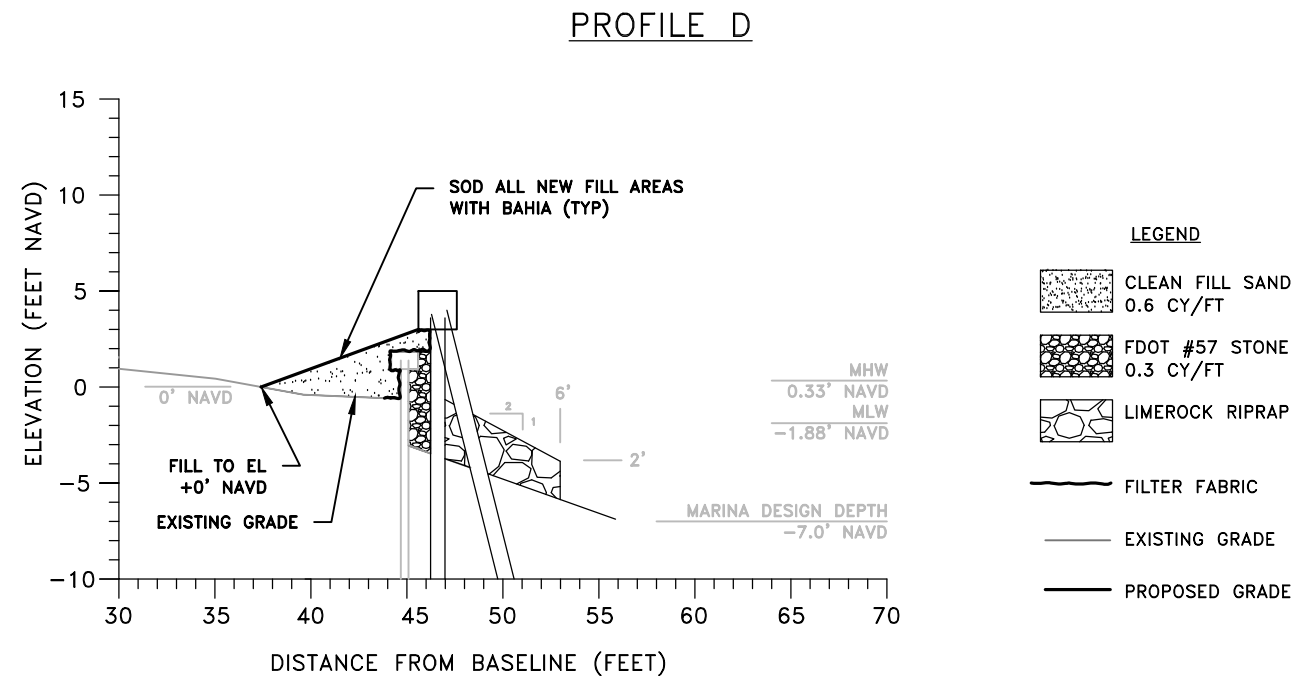
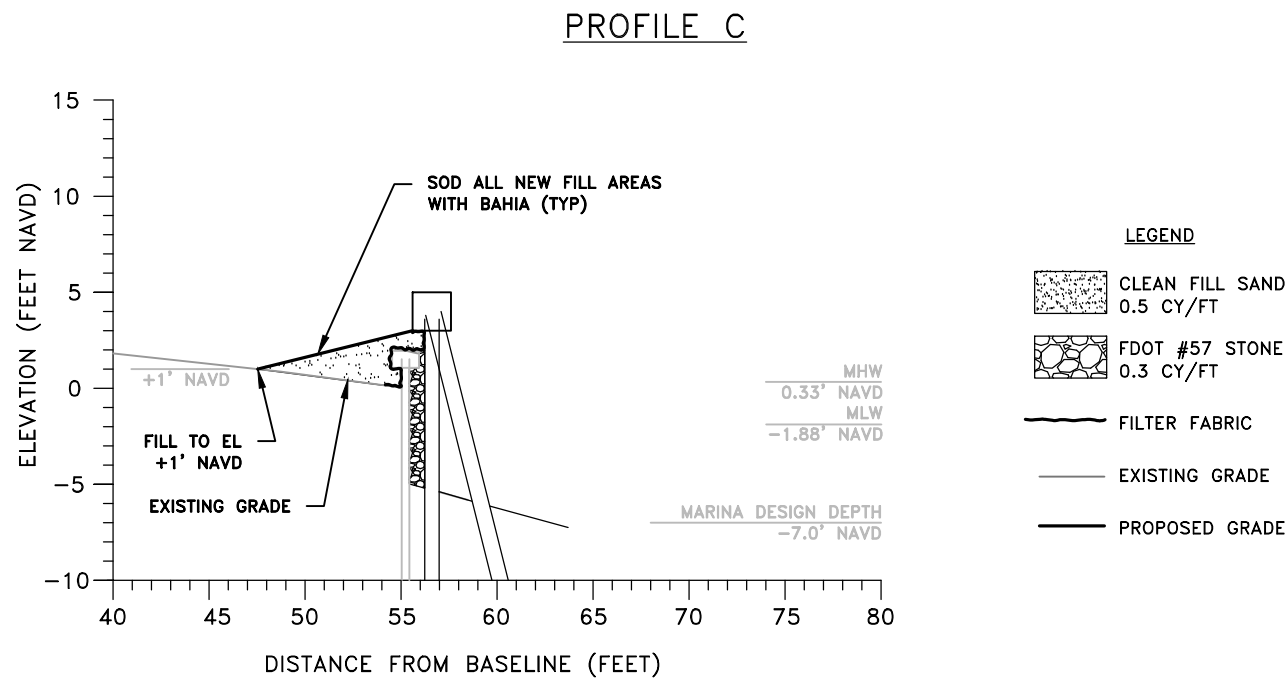
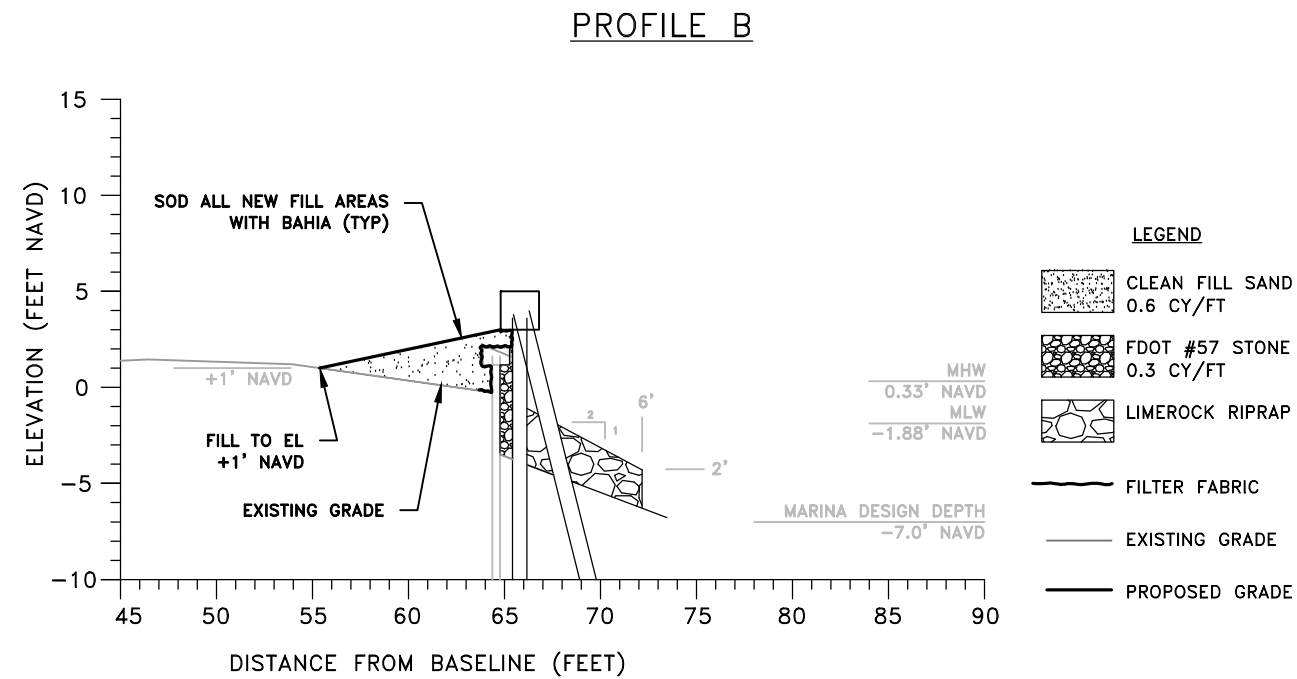
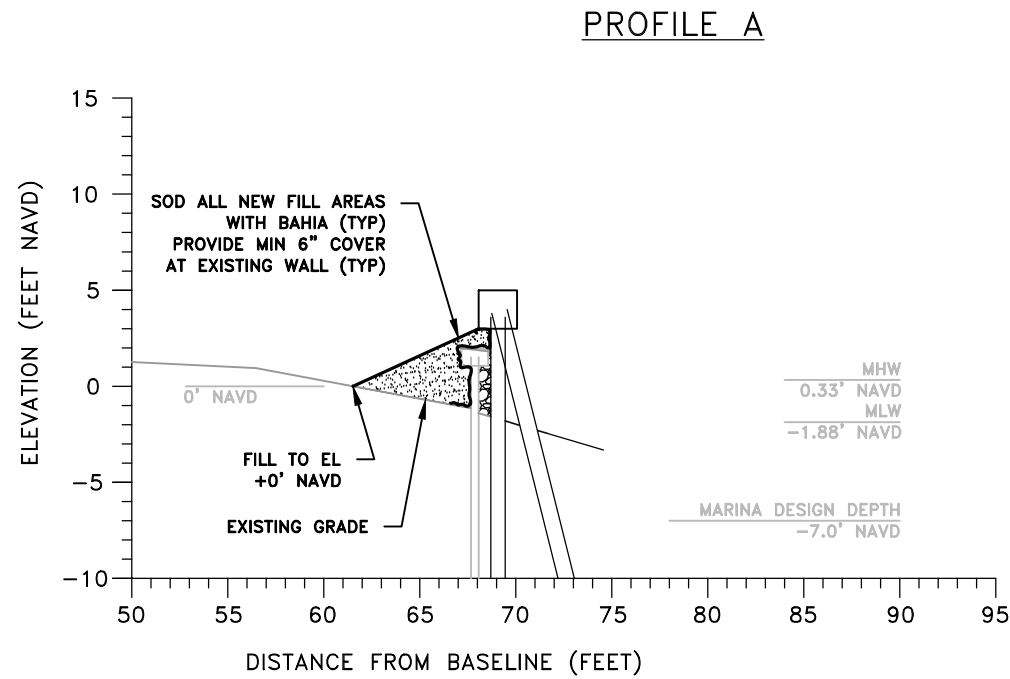


DISTANCE BETWEEN NEW AND OLD WETTED FACE			
DISTANCE BETWEEN WETTED FACES		LENGTH	WEIGHTED AVERAGE DISTANCE BETWEEN WETTED
RANGE	MIDPOINT		
(inches)	(inches)	(feet)	(inches)
0 to 6	3	0	0.0
6 to 12	9	87.8	3.1
12 to 18	15	112.3	6.7
18 to 24	21	48.9	4.1
24 to 30	27	4.1	0.4
TOTAL		253.1	14.3

- LEGEND**
-  EXISTING SEAWALL AND CAP
-  NEW SEAWALL AND CAP
-  RIP-RAP
-  NEW BATTER PILES
-  EXISTING TOPOGRAPHY
(TERRAQUATIC, AUGUST 2021)
-  MEAN HIGH WATER
0.33' NAVD PER NOAA TIDE
STATION 872-2971

NOTES:

1. SURVEY BY TERRAQUATIC INC. DATED 8/13/21. ELEVATIONS IN NAVD88.
2. DISTANCE BETWEEN WALL CALCULATIONS DESCRIBED IN DESIGN SUMMARY BY HUMISTON & MOORE ENGINEERS DATED JUNE 2, 2022.
3. STRUCTURAL DESIGN SHOWN ON SHEET S501
4. STRUCTURAL SPECIFICATIONS GIVEN ON SHEET G101



- NOTES:
1. SURVEY BY TERRAQUATIC INC. DATED 8/13/21. ELEVATIONS IN NAVD88.
 2. STRUCTURAL DESIGN BY REUBEN CLARSON CONSULTING. DETAILS ON SHEET S501.

DATE	REVISION	SYMBOL	DATE	REVISION	SYMBOL
Department of Environmental Protection Division of Recreation and Parks Bureau of Design and Construction 3800 Commonwealth Blvd., Tallahassee, FL 32399 (950) 425-2300					
ISSUE DATE: 2/24/2023	COMP. FILE No: 25-065	STATE PROJECT No: 61338C	DESIGNER: MF	DRAWN BY: BDM	REVIEWED BY: BDM
PROFESSIONAL REGISTRATION BRETT D. MOORE 37326					
DR. VON D. MIZELL - EULA JOHNSON S.P.					
CROSS SECTIONS					
EARTHWORK					
PROJECT TITLE					
MIZELL - JOHNSON STATE PARK					
SEAWALL PROJECT					
SHEET NO.					
C201					